

Customer No. 26308

PATENT



Docket No. 1217.18407

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: DeBraal et al.  
Serial No.: 10/674,274  
Filed: 9/29/2003  
For: Headrest Linkage

Group Art Unit: 3636  
Examiner: unknown

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



**26308**

PATENT TRADEMARK OFFICE

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN  
THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION  
(37 CFR 1.97(b))**

**NOTE:** "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

**NOTE:** The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION  
DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

**NOTE** "NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**CERTIFICATE OF MAILING (37 CFR 1.8(a)) or (37 CFR 1.10)**

I hereby certify that this paper (along with any material referred to as being attached or enclosed) is being hand delivered to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

KATHY KANOFSKY  
Type or print name of person mailing paper

(Signature of person mailing paper)

Date: 2/09/2004

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

Should any fees be necessary in connection with this submission, please charge same to Account No. 06-2360.

Date 2/06/2004

Reg. No. 29,243

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Customer No. 26308



*Signature of Attorney of Record*

Daniel D. Ryan

*Type or Print Name of Attorney of Record*

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LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)		ATTY DOCKET NO. 1217.18407	SERIAL NO. 10/674,274
FEB 09 2004 PARENT & TRADEMARK OFFICE		APPLICANT DeBraal et al.	
CUSTOMER NO. 26308		FILING DATE 9/29/2003	GROUP 3636

### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	Des. 170,305	9/1/1953	E.W. Claus			
	Des. 204,222	3/29/1966	Dailey, Donald E.			
	Des. 207,081	2/28/1967	Katzfey et al.			
	Des. 207,483	4/25/1967	Dottinger			
	Des. 217,646	7/15/1879	S.B. Sherer			
	Des. 245,287	8/2/1977	Damico et al.			
	Des. 250,043	10/24/1978	Shine			
	Des. 263,777	4/13/1982	Thompson			
	Des. 265,241	6/29/1982	Patterson			
	Des. 265,242	6/29/1982	Patterson			
	Des. 266,023	8/31/1982	McLachlan			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes <input type="checkbox"/> No <input type="checkbox"/>

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER	DATE CONSIDERED
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	Des. 266,765	11/2/1982	Clune			
	Des. 278,668	5/7/1985	Simpkins			
	Des. 282,398	1/28/1986	Yindra			
	Des. 286,481	11/4/1986	Case et al.			
	Des. 297,597	9/13/1988	Simpkins et al.			
	Des. 300,657	4/11/1989	Simpkins et al.			
	Des. 300,657	5/9/1989	Simpkins et al.			
	Des. 301,925	6/27/1989	Simpkins et al.			
	Des. 319,158	8/20/1991	Jones et al.			
	Des. 321,097	10/29/1991	Jones et al.			
	Des. 326,381	5/26/1992	Heilenthal et al.			

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Examiner Initial	DOCUMENT NUMBER	DATE	Name	Class	Subclass	Filing Date (If Appropriate)
	Des. 330,771	11/3/1992	Chaney et al.			
	Des. 330,813	11/10/1992	Spitzer et al.			
	Des. 335,409	5/11/1993	Kellems			
	Des. 341,737	11/30/1993	Shepherd			
	Des. 344,802	3/1/1994	Kuck et al.			
	Des. 345,266	3/22/1994	Koguma			
	Des. 365,224	12/19/1995	Pohlman			
	Des. 370,572	6/11/1996	Lin			
	Des. 386,634	11/25/1997	Daugs			
	Des. 404,945	2/2/1999	Simpkins et al.			
	Des. 408,537	4/20/1999	Stickley et al.			

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	Des. 408,539	4/20/1999	Simpkins et al.			
	Des. 408,539	4/20/1999	Simpkins			
	Des. 417,098	11/30/1999	Teufel et al.			
	Des. 417,571	12/14/1999	Teufel et al.			
	Des. 418,225	12/28/1999	Simpkins et al.			
	Des. 428,629	7/25/2000	Cohen			
	Des. 458,780	6/18/2002	Siepmann et al.			
	Des. 461,899	8/20/2002	Siepmann et al.			
	Des. 461,900	8/20/2002	Siepmann et al.			
	Des. 462,674	9/10/2002	Siepmann et al.			
	Des. 463,861	10/1/2002	Siepmann et al.			

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Examiner Initial	DOCUMENT NUMBER	DATE	Name	Class	Subclass	Filing Date (If Appropriate)
	487,625	12/6/1892	J.W. Kales			
	488,649	12/27/1892	B.H. Daggett			
	542,060	7/2/1895	C.R. Lentz			
	1,039,708	10/1/1912	F.A. Denquer			
	1,684,889	9/18/1928	C.L. Russ			
	1,891,629	12/20/1932	L. Van Wagner			
	1,967,422	7/24/1934	S. Nadelson			
	2,267,973	12/30/1941	A. Demcak			
	2,272,819	2/10/1942	W.C. Poetsch et al.			
	2,565,784	8/28/1951	J.F. Sheean			

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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	2,606,801	8/12/1952	H.R. Shampaine			
	2,652,887	9/22/1953	L.J. Fitzgerald			
	2,659,902	11/24/1953	A.N. Fitzgerald et al.			
	2,679,445	525/1954	E.W. Roehm			
	2,682,671	7/6/1954	M.E.C. Faure			
	2,788,529	4/16/1957	F. Moritzacky et al.			
	2,941,215	6/21/1960	A.E.F. Johnson			
	3,016,275	1/9/1962	R.S. Grant			
	3,281,141	10/25/1966	E.H. Smiley et al.			
	3,334,951	8/8/1967	J. Douglas, Jr. et al.			
	3,348,893	10/24/1967	J.M. Katzfey et al.			

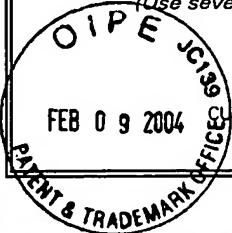
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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	3,409,287	11/5/1968	G.R. Chervenka			
	3,413,663	12/3/1968	D.T. Swann			
	3,499,529	3/10/1970	J.M. Katzfey et al.			
	3,638,935	2/1/1972	Lelugas et al.			
	3,658,317	4/25/1972	Bartlett et al.			
	3,814,414	6/4/1974	Chapa			
	3,944,205	3/10/1976	Mueller			
	4,003,704	1/18/1977	Zurolo et al.			
	4,034,972	7/12/1977	Peterson			
	4,045,078	8/30/1977	Shine			
	4,057,240	11/8/1977	Damico et al.			

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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,076,230	2/28/1978	Pike			
	4,168,099	9/18/1979	Jacobs et al.			
	4,180,002	12/25/1979	Huempfner			
	4,183,596	1/15/1980	Greene et al.			
	4,221,371	9/9/1980	Kuphal			
	4,284,268	8/18/1981	Gauthier			
	4,287,422	9/1/1981	Kuphal et al.			
	4,322,899	4/6/1982	Clune			
	4,383,351	5/17/1983	Fenwick			
	4,407,687	10/4/1983	Mitchell			
	4,501,414	2/26/1985	Mason et al.			

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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	DATE	Name	Class	Subclass	Filing Date (If Appropriate)
	4,506,872	3/26/1985	Westerberg et al.			
	4,508,387	4/2/1985	Gilbert et al.			
	4,516,805	5/14/1985	Leeper et al.			
	4,529,185	7/16/1985	Gutierrez			
	4,540,165	9/10/1985	Green et al.			
	4,545,628	10/8/1985	Richey			
	4,547,092	10/15/1985	Vetter et al.			
	4,552,403	11/12/1985	Yindra			
	4,557,471	12/10/1985	Pazzini			
	4,558,857	12/17/1985	Heller			
	4,586,398	5/6/1986	Yindra			

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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,586,762	5/6/1986	Kennedy et al.			
	4,589,642	5/20/1986	Schnelle et al.			
	4,600,248	7/15/1986	Pfleiger			
	4,602,756	7/29/1986	Chatfield			
	4,606,575	8/19/1986	Kodet			
	4,608,812	9/2/1986	Wilson			
	4,653,129	3/31/1987	Kuck et al.			
	4,667,354	5/26/1987	Carey, Jr. et al.			
	4,667,605	5/26/1987	Bastian			
	4,691,393	9/8/1987	Kuck			
	4,700,916	10/20/1987	Bastian et al.			

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	4,716,840	1/5/1988	Tringali et al.			
	4,717,102	1/5/1988	Pfleiger			
	4,732,089	3/22/1988	Mueller			
	4,732,430	3/22/1988	Byrns			
	4,750,305	6/14/1988	Bastian			
	4,752,977	6/28/1988	Smith et al.			
	4,796,846	1/10/1989	Meier et al.			
	4,805,365	2/21/1989	Bastian			
	4,819,569	4/11/1989	Bastian et al.			
	4,821,350	4/18/1989	Feldt			
	4,826,117	5/2/1989	Bastian et al.			

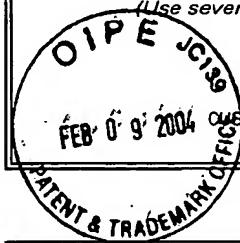
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	4,846,431	7/11/1989	Pfleiger			
	4,852,941	8/1/1989	Jones			
	4,858,260	8/22/1989	Failor et al.			
	4,865,303	9/12/1989	Hall			
	4,872,657	10/10/1989	Lussi			
	4,905,266	2/27/1990	Kuck et al.			
	4,916,725	4/10/1990	Quinter et al.			
	4,937,902	7/3/1990	Ceike Shapiro			
	4,956,592	9/11/1990	Schulte et al.			
	4,958,816	9/25/1990	Chaney et al.			
	4,961,610	10/9/1990	Reeder et al.			

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	4,966,351	10/30/1990	Klepacki			
	4,968,013	11/6/1990	Kuck			
	4,973,034	11/27/1990	Michele			
	4,996,731	3/5/1991	Kruyt			
	5,005,667	4/9/1991	Anderson			
	5,037,053	8/6/1991	Fox et al.			
	5,078,349	1/7/1992	Smith			
	5,081,808	1/21/1992	Bastian et al.			
	5,084,927	2/4/1992	Parkevich			
	5,203,135	4/20/1993	Bastian			
	5,208,928	5/11/1993	Kuck et al.			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes      No

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	APPLICANT DeBraal et al.	
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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	5,223,229	6/29/1993	Brucker			
	5,269,326	12/14/1993	Verrier			
	5,329,657	7/19/1994	Bartley et al.			
	5,339,750	8/23/1994	Smies			
	5,345,632	9/13/1994	Langenaeken et al.			
	5,369,825	12/6/1994	Reesby			
	5,369,827	12/6/1994	Parke et al.			
	5,403,549	4/4/1995	McNeil et al.			
	5,426,795	6/27/1995	Harty			
	5,472,270	12/5/1995	Czarnecky et al.			
	5,496,105	3/5/1996	Czarnecky et al.			

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Examiner Initial	DOCUMENT NUMBER	DATE	Name	Class	Subclass	Filing Date (If Appropriate)
	5,507,050	4/16/1996	Welner			
	5,528,782	6/25/1996	Pfeuffer et al.			
	5,538,215	7/23/1996	Hosey			
	5,564,662	10/15/1996	Lussi et al.			
	5,565,834	10/15/1996	Hanley et al.			
	5,568,209	10/22/1996	Priester et al.			
	5,568,817	10/29/1996	Harty			
	5,628,078	5/3/1997	Pennington et al.			
	5,638,644	6/17/1997	Bastian			
	5,645,313	7/8/1997	Best et al.			
	5,655,238	8/12/1997	Stickley et al.			

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Examiner Initial	DOCUMENT NUMBER	DATE	Name	Class	Subclass	Filing Date (If Appropriate)
	5,660,405	8/26/1997	Campbell			
	5,661,859	9/2/1997	Schaefer			
	5,678,267	10/21/1997	Kinder			
	5,680,957	10/28/1997	Liu			
	5,706,678	6/13/1998	Sasaki			
	5,754,997	5/26/1998	Lussi et al.			
	5,771,513	6/30/1998	Kirchgeorg et al.			
	5,781,943	7/12/1998	Moenning et al.			
	5,855,207	1/5/1999	Moenning et al.			
	5,860,899	1/19/1999	Rassman			
	5,913,773	6/22/1999	Cox			

### FOREIGN PATENT DOCUMENTS

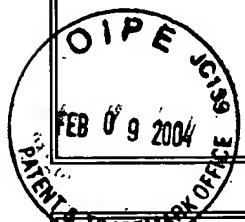
		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes      No

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	5,919,131	7/6/1999	Smoler et al.			
	5,924,960	7/20/1999	Cohen			
	5,926,876	7/27/1999	Haigh et al.			
	5,953,773	9/21/1999	Asada et al.			
	6,023,800	2/15/2000	Stickley			
	6,038,718	3/21/2000	Pennington et al.			
	6,073,284	6/13/2000	Borders			
	6,101,652	8/15/2000	Matern, Jr.			
	6,106,065	8/22/2000	Carroll			
	6,115,978	9/12/2000	Bastian et al.			
	6,131,214	10/17/2000	Moenning et al.			

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	6,173,461	1/16/2001	Alexander			
	6,202,230	3/20/2001	Borders			
	6,209,463	4/3/2001	Koharchik et al.			
	6,212,713	4/10/2001	Kuck et al.			
	6,230,343	5/15/2001	Buiskool et al.			
	6,240,579	6/5/2001	Hanson et al.			
	6,256,812	7/10/2001	Bartow et al.			
	6,264,006	7/24/2001	Hanson et al.			
	6,276,012	8/21/2001	Borders			
	6,289,537	9/18/2001	Hopper et al.			
	6,295,671	10/2/2001	Reesby et al.			

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	6,351,678	2/26/2002	Borders			
	6,550,084	4/22/2003	Siepmann et al.			
	6,568,008	5/27/2003	Siepmann et al.			
	US 2001 / 0000363 A1	4/26/2001	Borders			
	US 2002 / 0000008 A1	1/3/2002	Borders			

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	1,650,327	11/22/1927	I. Conrad			
	2,120,732	6/14/1938	A. Comper et al.			
	2,306,031	12/22/1942	W.E. Anderson et al.			
	2,538,993	1/23/1951	D.C. Travis			
	2,605,151	7/29/1952	H.R. Shampaine			
	3,041,121	6/26/1962	A. Comper			
	3,215,834	11/2/1965	D.L. Tayman			
	3,355,163	11/28/1967	J.M. Leinassar			
	3,411,766	11/19/1968	R.W. Lanigan			
	3,452,977	7/1/1969	A.J. Ryman			
	3,724,004	4/3/1973	Behrens			

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	3,754,749	8/28/1973	Lyon et al.			
	3,851,870	12/3/1974	Cook			
	3,868,103	2/25/1975	Pageot et al.			
	3,905,591	9/16/1975	Schorr et al.			
	3,967,128	6/29/1976	Smulewicz			
	3,997,792	12/14/1976	Conrad et al.			
	4,148,472	4/10/1979	Rais et al.			
	4,186,917	2/5/1980	Rais et al.			
	4,464,780	8/7/1984	Ruiz			
	4,589,124	5/13/1986	Ruiz			
	4,665,574	5/19/1987	Filips et al.			

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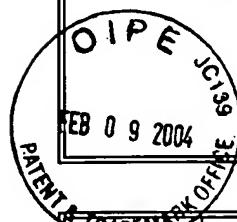
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	4,761,000	8/2/1988	Fisher et al.			
	4,826,221	5/2/1989	Harmon			
	4,913,413	4/3/1990	Raab			
	4,995,067	2/19/1991	Royster et al.			
	5,016,268	5/14/1991	Lotman			
	5,157,787	10/27/1992	Donnellan et al.			
	5,166,968	11/24/1992	Morse			
	5,231,719	8/3/1993	Schnelle			
	5,279,011	1/18/1994	Schnelle			
	5,564,663	10/15/1996	Cook et al.			

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